



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

JUL 19 2010

OFFICE OF PETITIONS

PHARMACIA & UPJOHN
7000 Portage Road
KZO-300-104
KALAMAZOO MI 49001

In re Patent No. 7,687,533 : DECISION ON REQUEST
Critcher, et al. : FOR
Issue Date: March 30, 2010 : RECONSIDERATION OF
Application No. 10/593,133 : PATENT TERM ADJUSTMENT
Filed: November 30, 2006 : and
Atty Docket No. **PC25930A** : NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the petition filed on March 31, 2010, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by five hundred forty-seven (547) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by six hundred and twenty (620) days¹ is **GRANTED to the extent indicated herein.**

¹ The "B" delay period is 193 days. This period is not calculated based on the date this application fulfilled the requirements of 35 U.S.C. 371. In an international application, this period is based on the failure of the Office to issue a patent within three years after the national stage commenced under 35 U.S.C. 371(b) or (f). See 1.702(b). The priority date of this application is March 18, 2004. As the requirements for early commencement were not met, the national stage commenced in this application on September 18, 2006. Thus, "B" delay is 193 days, counting the number of days beginning on September 19, 2009 and ending on March 30, 2010, the date of issuance. See 1.703(b). It is also noted that patentees indicate that the patent term adjustment should be increased by 13 days for the mailing of notice of allowance four months and 13 days after a response was filed on July 6, 2009.

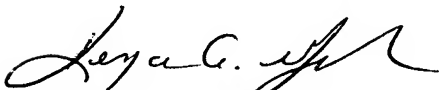
The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Corrections Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by six hundred and twenty (620) days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3222.



Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

Patentees argument is persuasive and an additional 13 days were included in the patent term adjustment pursuant to 37 CFR 1.703(a)(2).

DRAFT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,687,533 B2

DATED : Mar. 30, 2010

INVENTOR(S) : Critcher et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (607) days

Delete the phrase "by 607 days" and insert – by 620 days--